

BEST AVAILABLE COPY

Response to Office Action mailed July 28, 2005
Serial No. 10/801,352

REMARKS**I. STATUS OF THE CLAIMS**

Claims 1-16 are pending in the present application. In the Office Action mailed July 28, 2005, claims 1, 2, 4, 6-8, 10-12, and 14-16 were rejected. Claims 3, 5, 9, and 13 were objected to as being dependent upon a base claim.

By this Amendment, claims 1, 3, 6, 9, and 12 are amended. New claims 17-21 are presented. No new matter is presented hereby.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, claims 6 and 10 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,464,428 to *Mikell*. ("Mikell"). Claims 6, 7, and 10 were rejected as being anticipated by U.S. Patent No. 6,041,944 to *Meier* ("Meier"). Claims 6, 7, and 11 are rejected as being anticipated by U.S. Patent No. 5,407,570 to *Hobson* ("Hobson"). Without addressing the merit of these rejections, claim 6 is amended hereby. It is believed that these rejections are now obviated. Claims 7, 10, and 11 depend from claim 1, and contain additional limitations. As such, it is believed that the various rejections of claims 6, 7, 10, and 11 under 35 U.S.C. §102 should be withdrawn.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

In the Office Action, claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Mikell* in view of U.S. Patents 5,632,888 and 5,725,782 to *Chinn et al* ("Chinn"). Claim 11 was rejected as being unpatentable over *Meier*. Claims 6, 7 and 11 were rejected as being unpatentable over *Hobson*. Claims 1, 2, 4, 12, and 14-16 were rejected as being unpatentable over U.S. Patent No. 1,711,674 to *Egan* ("Egan") in view of *Chinn*.

As noted above, claims 1, 6, and 12 have been amended hereby. Claims 2 and 4 depend from claim 1, claims 7, 8, and 11 depend from claim 6, and claims 14-16 depend from claim 12, and contain additional limitations. As such, it is believed that the various

BEST AVAILABLE COPY

Response to Office Action mailed July 28, 2005
Serial No. 10/801,352

rejections of claims 1, 2, 4, 6, 7, 11, 12, and 14-16 under 35 U.S.C. §103(a) should be withdrawn.

IV. NEW CLAIMS

New claims 17-21 are presented. It is believed that claims 17-21 are allowable, in that none of the cited references teach or suggest a filter for a curb-and-grate inlet as set forth therein.

V. ALLOWABLE SUBJECT MATTER

Claims 3, 5, 9, and 13 were objected to as being dependent upon a rejected base claim, but were indicated as allowable if rewritten in independent form. Claims 3 and 9 and are amended hereby to be rewritten in independent form. Claim 12 is amended to incorporate the limitations of claim 13. As such, it is submitted that claims 3, 9, and 12 and their associated dependent claims are in condition for allowance.

VI. INFORMATION DISCLOSURE STATEMENT

Applicant thanks Examiner Upton for noting the typographical errors in the information disclosure statement submitted on June 16, 2004. A supplemental information disclosure statement is submitted concurrently herewith providing the corrected information.

BEST AVAILABLE COPY

Response to Office Action mailed July 28, 2005
Serial No. 10/801,352

CONCLUSION

In view of the foregoing remarks, Applicants respectfully assert that the rejections of the claims as set forth in the non-final Office Action of July 28, 2005 have been addressed and overcome. Applicants further respectfully assert that all claims are in condition for allowance and request that a Notice of Allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 879-2437 is courteously solicited.

The Commissioner is hereby authorized to charge any fees due, or credit any overpayment, to Deposit Account No. 09-0528.

Respectfully submitted,



Dana E. Stano
Reg. No. 50,750

Date: October 11, 2005
Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037
(404) 879-2437 (direct)
(404) 879-2937 (facsimile)

Our Docket No.: S146 1090.1
(38454.0018.0)